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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/962,645	11/03/1997	HISASHI KAWAI	35.G1460-CI	9119

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/962,645

Applicant(s)

KAWAI, HISASHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-16, 19-21, 23, 28, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-16, 19-21, 23, 28, 31-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Amendment, filed on 11/14/2003, with respect to claims 14-16, 19-21, 23, 28, 31-32 have been fully considered and are persuasive. The rejection of these claims has been withdrawn. A replacement non final is made as follow.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-16, 20-21, 23, 28, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5,247,330) in view of Ishikawa et al. (US 4,939,580).

Regarding claims 14, 20, 21, 23, Ohyama et al. disclose an image input device comprising an image pickup unit, disclosed as camera unit 2 (figure 1, column 3, lines 1-5); an image pickup direction switch, disclosed as button 12 (figure 1, column 4, lines 34-40); mount table, disclosed as original pedestal 5 (figure 1). Ohyama et al. disclose the button 12 is operated to rotate the camera 12 in the direction of arrow a, it clearly shows that the button 12 is adapted to switch the direction of camera for picking up an image on the pedestal 5 and direction for picking up an image of a subject not on the pedestal 5.

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Ohyama et al. fail to specifically disclose a storage unit. However, Official Notice is taken that it is well known in the art to include such storage unit in the device of Ohyama et al. in order to record the image data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use in the device of Ohyama et al. a storage unit in order to record the image data. Doing so, the image data can be reproduced for reviewing later. A control unit adapted to automatically store an image signal is considered inherent included in the device of Ohyama et al. to control store the image signal.

Ohyama et al. fail to specifically disclose wherein said control unit stores the image signal when the image pickup direction of said image pickup unit is switched from a direction for picking up an image of a document to a direction for picking up an image of a person. However, Ohyama et al. disclose the camera unit 2 is capable of moving in the direction indicated by arrow a (column 4, lines 34-40). It would have been obvious to move camera between imaging a document and imaging a person in order to let the user select a desired direction. And Official Notice is taken that it is well known in the art to include such storage unit in the device of Ohyama et al. in order to record the image data. Images are stores from the camera at all times. Therefore, the time at which the camera changes position from a document to a person, the image signal is also stored.

Ohyama et al. fail to specifically disclose an angle detection unit adapted to detect a change of an angle of the image pickup direction; and wherein said control unit is adapted to cause the stored image signal to be output when said image pickup unit is switched from the document image pickup direction to the person image pickup direction. However, Ishikawa et al. teaches connection member 133 which detects a change of angle of the direction of camera

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unit 2' (figures 8-10, column 8, lines 25-43). And Ishikawa et al. disclose the control circuit 130 causes the image signal from the camera 2' to be output when connection member 133 is at position 132A or 132B, figure 10, column 8, lines 18-53). Therefore, the control unit 130 is also capable of (adapted) causing the stored image signal in the storage unit to be output when said image pickup unit is switched from the document image pickup direction to the person image pickup direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. by the teaching of Ishikawa et al. in order to detect a change of an angle of camera direction.

The Examiner notes that the phrase "adapted to" is used in the claim. This phrase is interpreted by the Examiner to be synonymous with "capable of". Therefore, a prior art device may be applied against the claimed device as long as the prior art device is capable of being "automatically store an image signal in a storage unit," even though it does not disclose it as so.

Regarding claim 15, Ishikawa et al. disclose a fixed direction detection unit adapted to determine whether the image pickup direction is fixed (camera unit 2' is fixed when connection member 133 is at position 132A or 132B, figure 10).

Regarding claim 16, in Ohyama et al., figure 1 shows camera unit 2 which moves in the direction indicated by arrow a (column 4, lines 34-40). Although a driving unit is not explicitly shown, it is considered inherent since the camera moves presumably in response to a user input button 12.

Regarding claim 28, all the limitations are contained in claim 14. Therefore, see Examiner's comment regarding claim 14.

Claim 31 is considered substantively equivalent to claim 20 discussed above.

Claim 32 is considered substantively equivalent to claim 21 discussed above.

4. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5,247,330) in view of Ishikawa et al. (US 4,939,580) further in view of Mizoguchi (EP 617562).

As for claim 19, Ohyama et al. and Ishikawa et al. do not explicitly state that the storage means includes more than two storage areas. This implies that two or more frames of image data may be stored in the memory. Mizoguchi also discloses a camera system that stores image data of people or images of events other than people. On page 4, lines 17+, Mizoguchi states that still image data can be stored as a group of image data. This allows for more than one frame of data to be stored at one time. This allows for more data to be replayed, which is advantageous. For this reason, it would have been obvious to have the storage means in the system of Ohyama et al. and Ishikawa et al. capable of storing a plurality of frames by being divided into a plurality of storage sections.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong T Nguyen** whose telephone number is (703) 308-9297. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 customer Service Office whose telephone  
number is (703) 306-0377.

LN

2/07/2004

*Leonahuna Nauen*

**LUONG T. NGUYEN**  
**PATENT EXAMINER**